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10/577,545

09/11/2006

Ib Helmer Nielsen

PATRADE

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04/09/2008

James C. Wray
1493 Chain Bridge Road
Suite 300
McLean, VA 22101

EXAMINER

LEUNG, KA CHUN A

ART UNIT

PAPER NUMBER

3747

MAIL DATE

DELIVERY MODE

04/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/577,545 | Applicant(s) NIELSEN, IB HELMER | |
| | Examiner Ka Chun Leung | Art Unit 3747 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on 01/29/2008.

Election/Restrictions

2. The restriction requirement was deemed proper and made FINAL in the previous Office Action. Briefly, Group I (Claims 1-5) was drawn to a centralized lubrication system, while Group II (Claims 6-10) was drawn to a method of lubricating cylinder faces. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the present instance Group I discloses the use of a resolver for providing a signal for the actual angular position of the AC motor, whereas Group II does not claim the use of a resolver and therefore can be practiced with a materially different product that does not include a resolver.

3. This application contains Claims 6-10 drawn to an invention nonelected with traverse in the reply filed on 08/06/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

4. Claim 1 is objected to because of the following informalities: in Line 11 the claim recites a means for “generating digital or electric signals” and in Line 12 recites a control unit for “receiving the digital/electric signals”. It is suggested that one of these phrases, “digital or electric signals” or “digital/electric signals”, be chosen and used consistently for greater uniformity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding base Claim 1, the phrase "particularly" renders the claim indefinite because it is unclear whether the limitation (the engine being a marine engine) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). It is unclear whether the large diesel engine must be a marine engine or not.

8. Claim 1 recites the limitation "Centralized lubrication system" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation “a control unit which is connected to and receives signals...” in Lines 5-6 and also “a control unit which is adapted for receiving the digital/electric signals..” in Line12. The claim is rendered indefinite since it is unclear

whether the “control unit” recited in Lines 5-6 is the same as the “control unit” recited in Line 12 or whether they are two separate components.

10. Claim 1 recites the limitation “sensor means” in Line 4. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation “means to detect the angle position” in Lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation “means for detecting speed” in Line 10. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 2 recites the limitation “reference means” in Line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 2 recites the limitation “sensor means” in Line 4. Base Claim 1 also recites “sensor means” in Lines 4 and 6. The claim is rendered indefinite since it is unclear whether the “sensor means” recited in Claim 2 is the same as the “sensor means” recited in Claim 1 or whether they are two separate components.

15. Claim 3 recites the limitation “the sensors”. There is insufficient antecedent basis for this limitation in the claim. Base Claims 1 and 2 recite providing “sensor means” but not specific sensors.

16. Claim 5 recites the limitation “the control unit” in Line 3. Base Claim 1 recites a “control unit” in Line 5 and Line 12. It is unclear which of the two control units the recitation in Claim 5 is directed to or whether they are all the same control unit.

Response to Remarks/Arguments

17. Applicant's arguments, see Pages 5-7, filed 01/29/2008, with respect to Claims 1-5 have been fully considered and are persuasive. The rejection of Claims 1-5 over Irie et al alone or in combination with Onuma et al and/or Katogi et al has been withdrawn. In particular the Applicant is correct in noting that the crankshaft or main shaft of Irie et al is driven electronically, however Irie et al is silent as to whether the drive shaft of the pump is driven electronically or not.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3747

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ka Chun Leung whose telephone number is (571)272-9963. The examiner can normally be reached on 7:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ka Chun Leung/
Examiner, Art Unit 3747

/Stephen K. Cronin/
Supervisory Patent Examiner, Art Unit 3747